



FISCAL MEMORANDUM

SB 393 - HB 1149

February 20, 2023

SUMMARY OF BILL AS AMENDED (004189): Decreases the period of time a person must wait after completion of the sentence imposed for a criminal offense to petition to have the offense expunged from the person's record as follows:

- from 5 years to 3 years for misdemeanors and Class E felonies; and
- from 10 years to 6 years for Class D felonies.

Decreases the period of time a person who was convicted of no more than two criminal offenses must wait after completion of the sentence imposed for the person's most recent criminal offense to petition to have the offenses expunged from a person's record as follows:

- from 5 years to 3 years if the offenses were both misdemeanors or a Class E felony and a misdemeanor; and
- from 10 years to 6 years if one of the offenses was a Class D felony.

FISCAL IMPACT OF BILL AS AMENDED:

Other Fiscal Impact – This legislation will result in an increase in local revenue by an unknown amount in FY23-24 and will return to current amounts in FY24-25 and subsequent years.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 8-21-401(d)(3), a court is authorized to charge a \$100 fee to process petitions for expunction.
- Based on information previously provided by the Tennessee Bureau of Investigation, it is estimated that there are approximately 72,000 petitions for expunction filed each year.
- The proposed legislation is not estimated to impact the total number of petitions for expunction for the relevant offenses.
- For the purposes of this analysis, it is assumed that this legislation will apply to convictions prior to July 1, 2023.
- The proposed legislation will allow some of the petitioners to file earlier which will have the effect of shifting the revenue collected by local clerks of court deriving from petitions for expunction collected in a fiscal year earlier than it otherwise would be as follows:
 - two years earlier for misdemeanors and Class E felonies;
 - four years earlier for Class D felonies;

- two years earlier for two offenses in which one was a misdemeanor and one was a Class E felony; and
 - four years earlier for two offenses in which one was a misdemeanor and one was a Class D felony.
- The net result will be an increase in local revenue by an unknown amount in FY23-24, with such revenues returning to current amounts in FY24-25 and subsequent years.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jj